

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 94-10083

ORIEN CECIL JOINER,

Petitioner-Appellant,

versus

WAYNE SCOTT, Director,
Texas Department of Criminal Justice,
Institutional Division,

Respondent-Appellee.

Appeal from the United States District Court
For the Northern District of Texas
(94-CV-021-C)

(September 30, 1994)

ON REMAND FROM THE
SUPREME COURT OF THE UNITED STATES

Before KING, HIGGINBOTHAM, and BARKSDALE, Circuit Judges.

PER CURIAM:*

Our denial of Joiner's application for a certificate of probable cause, or, in the alternative, a writ of mandamus, and his motion for a stay of execution, has been vacated by the Supreme Court of the United States, Joiner v. Scott, ___ U.S. ___, 93-7739,

*Local Rule 47.5 provides: "The publication of opinions that have no precedential value and merely decide particular cases on the basis of well-settled principles of law imposes needless expense on the public and burdens on the legal profession." Pursuant to that Rule, the Court has determined that this opinion should not be published.

and remanded to this court. We REMAND the case to the district court for further consideration in light of McFarland v. Scott, 512 U.S. ___, 114 S. Ct. 2568 (1994).

REMANDED.